GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Intermediate Education – Private Aided Junior Colleges– Hon'ble High Court – Implementation of the orders dated:19-02-2020 in W.P.No.11008 of 2014 filed by Sri A. Veeranna, Junior Lecturer in Economics, Smt. Pydah Andalamma Junior College, Kakinada, East Godavari District and others for absorption in Grant-in-Aid posts – Orders – Issued.

SCHOOL EDUCATION (IE) DEPARTMENT

G.O.MS.No. 12 **Dated: 24-02-2021**

Read the following:-

1) Interim orders dated:17-7-2017 of Hon'ble High Court of A.P. in W.P.M.P.No.54243/2016 in W.P.No.11008 of 2014.
2) Representation of Sri A. Veeranna, Junior Lecturer in Economics, Smt. Pydah Andalamma Junior College, Kakinada, East Godavari District and others.
3) Govt.Memo No.706673/IE/A1/2017, dated:10-8-2017.
4) From the Hon'ble High Court Contempt Notice in C.C.No.1881 of 2018 in W.P.M.P.No.54243/2016 in W.P.No.11008 of 2014.
5) From the CIE, A.P., Guntur Letter Rc.No.Admn.I/ 1264/2017, dated: 02-11-2018.
6) Govt.Memo No.706673/IE/A1/2017, dated:25-10-2019.
7) Hon'ble High Court of A.P. order dated:19-02-2020 in W.P.No.11008 of 2014 filed by Sri A. Veeranna, Junior Lecturer in Economics, Smt. Pydah Andalamma Junior College, Kakinada, East Godavari District and others.
8) Hon'ble High Court of A.P. order dated:12-02-2021 in C.C.No.546 of 2020 filed by Sri A. Veeranna, Junior Lecturer in Economics, Smt. Pydah Andalamma Junior College, Kakinada, East Godavari District and two (2) others.

--oOo--

ORDER:

The Hon'ble High Court in its interim orders dated:17.07.2017 in W.P.M.P.No.54243/2016 in W.P.No.11008 of 2014 filed by Sri A. Veeranna, Junior Lecturer in Economics, Smt. Pydah Andalamma Junior College, Kakinada, East Godavari District and six (6) others, ordered that "Petitioners shall submit a representation to Respendent-1 for consideration of their claim for absorption into grant-in-aid post in the Respendent-4 College within three (03) weeks from the date of receipt of a copy of this order. On receipt of such representation, Respendent-1 shall consider the same within six (06) weeks thereafter and communicate his decision to the petitioners".

2. In the reference 2nd read above, the Petitioners herein have submitted their representation before the Government for implementation of the Hon'ble High Court interim orders.

3. In the reference 5th read above, the Commissioner of Intermediate Education, A.P., Guntur has stated that the Correspondent, Smt Pydah Andalamma Junior College(Aided), Kakinada while submitting the reports to the RJDIE, Rajamahendravaram has reported that the Government have stopped recruitment in the aided posts. In view academic interest of the students, certain teaching and non-teaching staff were appointed on part-time basis in existing vacancies against aided posts by paying honourorium of Rs.7,500/- PM and Rs 2,500/- PM to the teaching and non-teaching respectively. Accordingly, (1) Sri A. Veeranna, PTJL in Economics working w.e.f. 28.07.2010 with M.A.(Economics) qualification, (2) Sri P. Sateesh, PTJL in English working w.e.f 01.11.2010 with M.A.(English) qualification and (3) Sri S. Veerababu, PT Attender (Office Subordinate) working w.e.f. 01.07.2008 were appointed and these are the only staff now working with sufficient work-load as on date and remaining petitioners are not attending duties and thus requested to absorb them into grant-in-aid posts for which he has no objection.

(P.T.O)

4. The Commissioner of Intermediate Education, A.P., Guntur has further stated that, the request of the petitioners cannot be considered as their engagement as part-timers is against the provisions of the Act 2 of 1994 and as per the orders issued in G.O.Ms.No.35, Higher Education (CE.II-1) Department, Dated: 27.03.2006.

5. After examining the matter, Government have rejected the request of Sri A. Veeranna, Junior Lecturer in Economics, Smt. Pydah Andalamma Junior College, Kakinada, East Godavari District and six (6) others for absorption of their services into Grant-in-Aid posts which is not feasible for consideration as per provisions of the Act 2 of 1994 and in terms of G.O.Ms.No.35, Higher Education (CE.II-1) Department, Dated:27.03.2006 and issued orders accordingly vide reference 6th read above.

6. The Hob'ble High Court, in its final order dated:19.02.2020 in W.P.No.11008 of 2014 have ordered as follows:-

> ***"By virtue of the proceedings, dated:25.10.2019, the Principal Secretary to the Government, stated that the request of the petitioners cannot be considered as engagement as Part Timers is against the provisions of Act 2 of 1994 read with G.O.Ms.No.35, Higher Education(CE.II.1)Department, dated: 27.03.2006. The counsel further submits that in order to somehow see that the Petitioners are not absorbed, GOMs.No.35 is pitted against them, whereas this court by virtue of order, dated:17.07.2017, in WP.MP.no.54243 of 2016 in this writ petition granted liberty to the petitioners to submit representations and directed the 1st respondent to consider the same. The case of similarly 3 placed persons is reflected in the respective GOs. G.O.Ms.No.13, School Education(IE)Department, dated: 09.02.2018, is issued in case of one Smt.Feroze Sulthana Shaik, Junior Lecturer in Urdu (unaided) JLB Junior College. G.O.Ms.No.15, Higher Education (IE.II) Department, dated:07.03.2013, is in respect of one G.Parvathi Devi. In the said GO, it was stated at paragraph 9 that Government after careful examination in order to comply with the orders of the HighCourt and since there is no other alternative except implementing the High Court's orders, permitted the Commissioner to absorb the said person into grant-in-aid post with effect from 03.12.2001 as a special case. There is yet another instance of such absorption in case of one Dr.R.V.Anuradha, vide G.O.Ms.No.160, Higher Education (CE.II.2)Department dated:16.02.2001.***
>
> ***The counsel submits that in spite of there being vacancies, the respondents are not absorbing the petitioner against the aided posts. The Government Pleader does not put forth any cogent argument.***
>
> ***Hence, in view of the above, this court deems it fit to direct the respondents to absorb the petitioner into aided vacancies with effect from the date of their appointment with all consequential benefits.***
>
> ***With the above observations, the writ petition is disposed of. As a sequel, the miscellaneous applications pending, if any, shall stand closed."***

7. Sri A. Veeranna, Junior Lecturer in Economics, Sri P. Sateesh, Junior Lecturer in English and Sri S. Veerababu, P.T.Attender (Office Subordinate), Smt. Pydah Andalamma Junior College, Kakinada, East Godavari District have filed Contempt Case No.546 of 2020 for not complying the order of Hon'ble High Court of A.P. dated:19.02.2020 in W.P.No.11008 of 2014.

8. Aggrieving by the order dated:19.02.2020 in W.P.No.11008 of 2014, the Special Commissioner of Intermediate Education, A.P. has filed W.A.No.344 of 2020 High Court in Division bench on behalf of all respondents and the same is pending for admission.

(P.T.O)

9. The Hon'ble High Court in its order dated:12-02-2021 in C.C.No.546 of 2020, have ordered as follows:-

> **"Issue bailable warrants for an amount of Rs.40,000/- each against respondents 1, 2 & 3.**
>
> **List on 26-02-2021.**
>
> **Respondents 1,2 & 3 shall be present before the Court on 26-02-2021".**

10. After careful examination of the matter, Government have decided to implement the order of Hon'ble High Court of A.P. dated:19.02.2020 in W.P.No.11008 of 2014. Accordingly, Government hereby permit the Special Commissioner of Intermediate Education, A.P. to absorb Sri A. Veeranna, Junior Lecturer in Economics, Sri P. Sateesh, Junior Lecturer in English and Sri S. Veerababu, P.T.Attender (Office Subordinate), Smt. Pydah Andalamma Junior College, Kakinada, East Godavari District in to Grant-in-Aid posts with effect from the date of their appointment, subject to outcome of Writ Appeal No.344 of 2020 against the orders of Hon'ble High Court of A.P. dated:19.02.2020 in W.P.No. 11008 of 2014.

11. The Special Commissioner of Intermediate Education, A.P., Guntur shall take necessary further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PARDESH)

B.RAJSEKHAR, IAS
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Special Commissioner of Intermediate Education, A.P., Guntur.
The Individuals Concerned.
(Through : The Special Commissioner of Intermediate Education, A.P., Guntur).
Copy to:-
The Director of Treasuries & Accounts, A.P. Vijayawada.
The District Treasury Officer, Kakinada, East Godavari District.
The Govt.Pleader for Education, A.P.High Court.
The Addl.P.S. to Hon'ble Minister (EDN).
The P.S. to Principal Secretary to Government (SE).
SF/SCs.

// FORWARDED::BY ORDER //

SECTION OFFICER